

MINUTES
CITY COUNCIL MEETING
JANUARY 27, 2004

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:30 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL.

PLEDGE OF ALLEGIANCE

MAYOR MITCHELL led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Mitchell, Rauch, Seamans, Zuckerman

Council Member Absent: Addleman

City Staff Present: City Manager Doug Prichard

City Attorney Richard Terzian

Assistant City Manager Sam Wise

Planning Director David Wahba

Community Services Director Andy Clark

Finance Director Jud Norrell

Administrative Analyst Greg Grammer

Others Present: Dale Allen, Park and Activities Commissioner

Andy Rein, Planning Commissioner

CEREMONIAL ITEMS

A. BFI DRAWING FOR ONE YEAR'S FREE RESIDENTIAL REFUSE SERVICE

Barbara Zwart, Recycling Coordinator, BFI, drew the name of Scott Clark on Ranchview Road, as the recipient of one year's free disposal service.

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF DECEMBER 9, 2003

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE CITY COUNCIL MINUTES OF DECEMBER 9, 2003 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. SPECIAL CITY COUNCIL MEETING – MINUTES OF JANUARY 10, 2004

COUNCILMAN ZERUNYAN requested a correction on Page 1:

"At 10:32 a.m., the CITY COUNCIL convened in open session with MAYOR MITCHELL, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN, and COUNCILMAN ~~ZERUNYAN~~ ZUCKERMAN present."

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE SPECIAL CITY COUNCIL MINUTES OF JANUARY 10, 2004 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. DEMANDS AND WARRANTS – MONTHS OF DECEMBER AND JANUARY

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE Warrants 34914 through 34973 in the amount of \$224,048.41; Warrants 34845 through 34902 in the amount of \$397,828.88; Warrants 34763 through 34821 in the amount of \$201,778.46; Supplemental Warrants 120301 through 120302; 34635 through 34651; 34697; 34740 through 34762; 34822 through 34829 in the amount of \$230,255.42 for a total amount of \$1,053,911.17 with proper audit.

AYES: Mitchell, Seamans, Zerunyan, Zuckerman

ABSENT: Addleman

CONSENT CALENDAR

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE ITEMS A-J.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

RECEIVED AND FILED.

B. OCTOBER 2003 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. NOVEMBER 2003 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

D. DECEMBER 2003 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

E. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED DECEMBER 5, 2003

RECEIVED AND FILED.

F. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED DECEMBER 12, 2003
RECEIVED AND FILED.

G. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED DECEMBER 19, 2003
RECEIVED AND FILED.

H. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED DECEMBER 31, 2003
RECEIVED AND FILED.

I. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JANUARY 9, 2004
RECEIVED AND FILED.

J. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JANUARY 16, 2004
RECEIVED AND FILED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

At 7:35 p.m. the CITY COUNCIL convened in closed session. At 8:47 p.m., the CITY COUNCIL reconvened in open session with MAYOR MITCHELL, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN in attendance.

CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code Section 54956.8)

Property: 550 Deep Valley Drive

City Negotiator: City Manager Prichard

Special Counsel Johnson

Negotiating Parties: City and Cousins Marketcenters

Under Negotiation: Consideration of letter of credit pursuant to property development agreement dated March 17, 1998

MAYOR MITCHELL reported it was the consensus of the COUNCIL

TO DIRECT STAFF TO CONTINUE DISCUSSIONS WITH COUSINS.

NOTING COUNCILWOMAN SEAMAN'S OBJECTION, MAYOR MITCHELL SO ORDERED.

B. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Pursuant to Government Code Section 54956.9(b)(11) there is a significant exposure to litigation based upon a written communication from a potential plaintiff threatening litigation.

NO ACTION WAS TAKEN.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

A. REQUEST BY PENINSULA EDUCATION FOUNDATION FOR PLACEMENT OF BANNERS IN COMMERCIAL DISTRICT

Recommendation: That the City Council approve the Peninsula Education Foundation's request to install banners in the City's commercial district mid-August through October in 2004 and 2005.

Malcolm Sharp, Co-President, Peninsula Education Foundation, noted that this request is intended to raise public awareness of the PEF for the fall campaign and again in 2005. He stated he has been working with Administrative Analyst Grammer on complying with City regulations.

Discussion ensued regarding number and location of the light poles. It was noted that 75 poles could accommodate up to 150 sponsors on a first come first served basis. It was the consensus of the COUNCIL that all light poles should have a banner whether or not there is a sponsor.

COUNCILMAN ZUCKERMAN inquired if there is any criteria for this type of request.

City Manager Prichard noted that similar requests may be forthcoming from other organizations and suggested this item be added to the Policy Development Session for discussion.

Scott Gobble, General Manager, Southern California Edison, cautioned the COUNCIL to keep in mind that the City does not have a street light agreement in place. He suggested that staff be directed to work with SCE on this type of agreement which would allow jurisdictional control as in the past these banners have advertised City functions only. While he noted this would not affect this particular request, it would apply to future commercial banners.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

1) TO APPROVE THE PENINSULA EDUCATION FOUNDATION'S REQUEST TO INSTALL BANNERS IN THE CITY'S COMMERCIAL DISTRICT DURING MID-AUGUST THROUGH OCTOBER OF 2004 AND 2005; 2) TO DIRECT STAFF TO INCLUDE THIS ITEM FOR DISCUSSION AT THE POLICY DEVELOPMENT SESSION; AND 3) TO INVESTIGATE FURTHER THE STREET LIGHT AGREEMENT SUGGESTED BY SOUTHERN CALIFORNIA EDISON.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

PUBLIC HEARINGS/MEETINGS

NONE

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF DECEMBER 15, 2003

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF DECEMBER 15, 2003.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. LEGISLATIVE UPDATE

Recommendation: That the City Council receive and file this report.

City Manager Prichard provided a staff report (as per agenda material).

Discussion ensued regarding SB 744 which would affect local land use control. It was noted this bill passed out of the Senate. City Manager Prichard stated that additional efforts are being undertaken to defeat this bill in the Assembly.

Discussion continued regarding AB 600 and ACA 19 with City Manager Prichard indicating that letters had been, or will be, sent out in opposition and support of these bills, respectively.

In regards to the League of California Cities' initiative, it was the consensus of the COUNCIL to commend the Palos Verdes Peninsula News for their coverage on this issue. COUNCILWOMAN SEAMANS noted that the City had also adopted a resolution of support.

COUNCILMAN ZERUNYAN suggested that COUNCIL MEMBERS who might have a personal relationship with any legislators should contact them for their assistance on any issue of importance.

COUNCILMAN ZUCKERMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE LEGISLATIVE UPDATE.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. SALE OF CDBG ALLOCATION TO CITY OF SAN FERNANDO

Recommendation: That the City Council adopt Resolution No. 2037 and enter into the assignment agreement between the City of Rolling Hills Estates and the City of San Fernando authorizing the exchange of unexpended Community Development Block Grant funds for Fiscal Year 2004-05.

Finance Director Norrell provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS noted that it is extremely difficult to account for the federal funds through this program as was in favor of this exchange.

1. RESOLUTION NO. 2037 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AUTHORIZING THE EXCHANGE OF UNEXPENDED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO ADOPT RESOLUTION NO. 2037.

City Manager Prichard read Resolution No. 2037 by title only.

AYES: Mitchell, Seamans, Zerunyan, Zuckerman

ABSENT: Addleman

D. FIRST AMENDMENT TO AGREEMENT WITH MUNICIPAL STABLES MANURE REMOVAL SERVICES CONTRACTOR

Recommendation: That the City Council approve the First Amendment to the Agreement for Services with Scott Hill, doing business as Seahorse Riding Club, to provide an additional year of manure removal services at the Municipal Stables.

Community Services Director Clark provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE FIRST AMENDMENT TO THE AGREEMENT FOR SERVICES WITH SCOTT HILL, DOING BUSINESS AS SEAHORSE RIDING CLUB, TO PROVIDE AN ADDITIONAL YEAR OF MANURE REMOVAL SERVICES AT THE MUNICIPAL STABLES.

AYES: Mitchell, Seamans, Zerunyan, Zuckerman

ABSENT: Addleman

ADJOURNED TO THE PEPPER TREE FOUNDATION CORPORATION MEETING AT 9:17 P.M.

E. REGULAR ANNUAL PEPPER TREE FOUNDATION BOARD OF DIRECTORS MEETING

Recommendation: That the Pepper Tree Foundation Board of Directors: 1) Conduct any necessary Foundation business; and 2) Receive and file the staff report.

MAYOR MITCHELL noted that the following Pepper Tree Foundation Board of Directors were present: MITCHELL, SEAMANS, ZERUNYAN, and ZUCKERMAN.

Finance Director Norrell noted that a report will be presented in the fall which will provide a clearer picture of the Pepper Tree Foundation fund.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO RECEIVED AND FILE THE STAFF REPORT.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

RECONVENED CITY COUNCIL MEETING AT 9:20 P.M.

OLD BUSINESS

NONE

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. COUNCILWOMAN SEAMANS reported she attended the South Bay Cities Council of Governments (SBCCOG) meeting, along with MAYOR MITCHELL, which discussed a Metropolitan Water District presentation.

B. COUNCILWOMAN SEAMANS reported she attended the Chandler Reuse Subcommittee meeting, along with MAYOR MITCHELL, at the Rolling Hills Country Club. She was pleased to note that it appears that Chandler's and the Country Club have reached an agreement on an overall master plan which has not yet been reviewed by the City. Additionally, she indicated that other interested parties, including representatives from the Cities of Lomita and Torrance, attended as well.

C. COUNCILWOMAN SEAMANS reported that she attended the Mixed-Use Subcommittee meeting, along with MAYOR MITCHELL, which included property owners and developers from the former McDonald's site at Silver Spur Road and Crenshaw Boulevard, the former Arco station at Silver Spur Road and Beechgate, and 927 Deep Valley Drive.

Planning Director Wahba noted that Special Consultant Stephanos Polyzoides will provide a form-based code at a future meeting for review. He then announced that the City will hold a round-table meeting of property owners and developers at the Norris Pavilion on Wednesday, February 25 from 9:00 a.m.-12:00 noon for a presentation of the proposed master plan and also to receive comments from the business community.

D. MAYOR MITCHELL reported that she attended the Employee Relations Policy Committee that included discussion of workers' compensation reform and the high cost of health care insurance for city employees.

E. COUNCILMAN ZUCKERMAN inquired if a CEQA meeting will be scheduled in the future. Planning Director Wahba noted that, at the direction of the CEQA Committee, traffic counts were conducted, but that it will take awhile to tabulate those results as the count between 3:00-4:00 p.m. was inadvertently omitted. Those intersections are in the process of being reviewed and further information will be provided soon. It was noted that a status report will be provided to the CEQA Committee members via e-mail.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. COUNCILWOMAN SEAMANS inquired as to when the power poles along Palos Verdes Drive North will be removed. Scott Gobble, General Manager, SCE, stated that the County of Los Angeles is holding the project until April as negotiations apparently are still taking place with the various cellular phone companies. He suggested the City contact the County Supervisor and request action on this matter. COUNCILWOMAN SEAMANS requested an update at the next COUNCIL MEETING.

B. COMMITTEE ASSIGNMENTS

After brief discussion, it was the consensus of the COUNCIL

TO APPROVE THE COMMITTEE ASSIGNMENTS AS AMENDED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

ADJOURNMENT *IN MEMORY OF FORMER COUNCILMAN PETER WEBER*

At 9:50 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, February 10, 2004 at 6:00 p.m. for the purpose of conducting Planning Commission interviews.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Manager